



As protectors of public safety and ministers of justice, the role of a State's Attorney should not end at sentencing. Prosecutor-Initiated Resentencing (PIR) gives State's Attorneys in Maryland an additional tool to ensure continued justice and fairness in sentencing.

How the Law Works

- ◆ The proposed legislation would grant State's Attorneys a clear legal mechanism through which to motion the court for a modification of a defendant's sentence—after a thorough and methodical review of the case and sentence—to ensure continued fairness and justice in sentencing.
- ◆ This law ensures a system of checks and balances by vesting the judges with ultimate decision-making authority in these cases.
- ◆ Victims would be notified of resentencing proceedings and afforded all rights as outlined in Md. Code, Criminal Procedure §11–104 and §411–503.
- ◆ This law would be purely discretionary, and State's Attorneys would not be mandated to review cases in their jurisdiction.
- ◆ The proposed legislation was carefully drafted to consider resources of the courts and counsel by leveraging an existing process. This law would allow State's Attorneys to exercise the same discretion on the back end as they do on the front end: make a sentencing recommendation to the Court.

Why Prosecutor-Initiated Resentencing?

- ◆ **People change + can be rehabilitated.** In 2021, the Maryland passed the Juvenile Restoration Act, which allows persons convicted of crimes as juveniles to request the court to reconsider their sentences after serving at least 20 years in prison. This law reflects scientific data on juvenile brain development and multiple Supreme Court decisions, and also recognizes that people can change and be rehabilitated. Now, prosecutors can review whether an incarcerated person has made significant rehabilitative progress and would no longer pose a risk to public safety—and for whom further incarceration is no longer in the interest of justice.
- ◆ **Changes in sentencing policies + sentencing parity.** In some cases, based on changes in the law and/or prosecution practices, a different sentence would have occurred if the case were tried today. Through PIR, prosecutors can continue to uphold and enforce legal practices by recommending different sentences appropriate to today's context. Additionally, prosecutors can now address and ensure sentencing parity among co-defendants with different levels of culpability but who received very disparate sentences, as well as parity between sentences imposed decades ago compared to sentences requested today.
- ◆ **Remediating racial disparities + mass incarceration.** Maryland has earned the embarrassing distinction of incarcerating more Black men than any other state—[more than double the national average](#). Over 70% of the nearly 18,000 people in [Maryland's prisons](#) are Black, compared to about 30% of the [general population](#). As the [majority of people serving the longest prison terms in Maryland are Black](#), PIR would allow prosecutors to be proactive in remediating the ills of racial disparity and overincarceration in our state.
- ◆ **Redistribution of critical public safety resources.** Housing a healthy inmate in Maryland [costs \\$44,001 per year](#). Maryland has a significant aging lifer population, despite research showing that elderly people have relatively low risk of recidivism, along with the [highest healthcare costs and health risks](#). This law can help facilitate the safe release of people who are older in age and/or with a serious medical condition. PIR could create significant cost savings and divert taxpayer dollars away from housing people in prison who are not a threat to public safety to other more critical public safety initiatives.
- ◆ **Incentivizing positive prison behavior.** PIR laws incentivize positive in-prison behavior by deterring people from incurring rule violations and motivating people to enroll in and complete education courses, job training, substance abuse classes, and other rehabilitative programming.
- ◆ **Smarter on crime.** States across the country are finding smart and innovative ways to address mass incarceration, such as PIR. In recent years, [California](#), [Washington](#), [Oregon](#), [Illinois](#), and [Louisiana](#) all passed PIR laws. A number of other states have also proposed PIR laws (*those starred are currently pending): Florida, Texas,* Minnesota,* Massachusetts, New York, and Georgia.